

Message Text

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TO SECSTATE WASHDC IMMEDIATE 6031
INFO AMEMBASSY ANKARA
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AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1625

E.O. 11652: GDS
TAGS: PINT, CY, US
SUBJECT: DAVIES TRIAL

SUMMARY: THE NICOSIA ASSIZES COURT FOUND KTIMATIAS AND LEFTIS
GUILTY ON ALL REMAINING COUNTS IN ITS SESSION OF JUNE 20.
KTIMATIAS AND LEFTIS WERE CONVICTED ON COUNT SIX, UNLAWFUL
CARRYING OF FIREARMS; AND ON COUNT THREE, RIOTING. KTIMATIAS
WAS ALSO CONVICTED ON COUNT FIVE, UNLAWFUL USE OF A FIREARM,
AND COUNT FOUR, CAUSING DAMAGES. SENTENCING WAS DELAYED UNTIL
JUNE 21, WHEN KTIMATIAS RECEIVED A PRISON TERM OF SEVEN
YEARS AND LEFTIS FIVE YEARS. IN PHERSON'S FAREWELL
MEETING WITH CHIEF OF POLICE SAVVAS ANTONIOU ON JUNE 20,
ANTONIOU ADVISED THAT LEFTIS HAD ENGINEERED A GEORGATZIS-
INSPIRED ASSASSINATION PLOT AGAINST HIM (ANTONIOU) IN 1970,
IN WHICH KTIMATIAS WAS TO BE ONE OF THE KILLERS. END SUMMARY.

1. THE COURT DELIVERED A 17-PAGE OPINION ON JUNE 20
WHICH FOUND THE DEFENDANTS KTIMATIAS AND LEFTIS GUILTY
ON ALL REMAINING CHARGES. HIGHLIGHTS OF THE OPINION FOLLOW.

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A. THE SETTING OF THE RIOTING WAS REVIEWED. THE
COURT CONCLUDED THAT KTIMATIAS AND LEFTIS HAD ADMITTED
THEIR PRESENCE AT THE RIOT, FOR THE STATED PURPOSE OF
HELPING TO DISPERSE IT. THEY ADMITTED HAVING ARMS WITH
THEM. THE COURT CONCLUDED THAT NEITHER THE THREE
DEFENSE WITNESSES FOR KTIMATIAS NOR THE TWO WITNESSES
FOR LEFTIS HAD ESTABLISHED THAT THE TWO DEFENDANTS HAD

LAWFUL POSSESSION OF THEIR FIREARMS. FURTHER, THE COURT WAS SATISFIED THAT THE TWO DEFENDANTS HAD GONE TO THE SCENE OF THE RIOTS FOR THEIR OWN PURPOSES, WHICH WAS NOT TO DISPERSE THE RIOTERS, AND HAD TAKEN THEIR AUTOMATIC WEAPONS WITH THEM TO FURTHER THAT PURPOSE. THEREFORE THEY WERE BOTH GUILTY ON COUNT SIX (UNLAWFULLY CARRYING A WEAPON) AND ON COUNT THREE (RIOTING).

B. IN FINDING KTIMATIAS GUILTY ON COUNT FIVE (UNLAWFUL USE OF A WEAPON) THE COURT LOOKED CLOSELY AT THE TESTIMONY OF FOUR WITNESSES. IT CONCLUDED LAMBRIANIDES WAS A TRUTHFUL WITNESS AND HIS TESTIMONY THAT HE HAD SEEN KTIMATIAS FIRING HIS AUTOMATIC WEAPON WAS BELIEVED BY THE COURT. IT CONCLUDED THAT MAJOR TSANGARIS HAD SEEN KTIMATIAS FIRING ON TWO OCCASIONS. THEY ACCEPTED HIS ACCOUNT OF THE FIRST FIRING INCIDENT, WHILE AGREEING WITH TSANGARIS THAT INSPECTOR IERIDES WAS IN A BETTER POSITION TO TESTIFY AS TO THE SECOND OCCASION. THE COURT DID NOT ACCEPT INSPECTOR IERIDES' ACCOUNT THAT HE HAD NOT SEEN KTIMATIAS FIRING. IT CONCLUDED FROM IERIDES' STATEMENT THAT KTIMATIAS HAD BEEN IN A FIRING POSITION, HE HAD HAD HIS FINGER ON THE TRIGGER, HE REPLACED HIS FINGER ON THE TRIGGER AFTER IERIDES RESTRAINED HIM, AND THEREFORE HE HAD DEMONSTRATED HIS DETERMINATION TO CONTINUE THE ACTION HE HAD STARTED PREVIOUSLY. THE COURT CONCLUDED THAT MAJOR ANDREAS AVGOUSTIS, OF THE

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NATIONAL GUARD, WHO WAS DISMISSED FROM THE SERVICE IN 1976 FOR ACTIVITIES AGAINST THE INTERESTS OF CYPRUS, HAD LIED IN HIS TESTIMONY, WHICH FAVORED KTIMATIAS IN ALL RESPECTS, AND WOULD FACE FURTHER JUDICIAL ACTION FOR PERJURING HIMSELF.

2. THE COURT ALSO FOUND KTIMATIAS GUILTY ON THE COUNT OF CAUSING DAMAGES (A MISDEMEANOR).

3. THE DEFENSE COUNSEL FOR KTIMATIAS ADDRESSED THE COURT TO STATE THAT KTIMATIAS WAS MARRIED, HAD TWO SMALL CHILDREN, HAD A HALF-COMPLETED HOUSE ON WHICH HE OWED THE POLICE CREDIT UNION 3,000 CYPRUS POUNDS, AND HAS A SICK WIFE. WHEN KTIMATIAS WAS ASKED IF HE HAD ANY COMMENTS, HE RESPONDED, "I AM INNOCENT."

4. THE DEFENSE COUNSEL FOR LEFTIS ADVISED THE COURT THAT LEFTIS WAS 51 YEARS OF AGE, HAD THREE CHILDREN, AGES 6, 12 AND 16; OWES 20,000 CYPRUS POUNDS ON HIS HOME AND HAD NO INCOME. LEFTIS ALSO ADDRESSED THE COURT TO SAY, "I AM INNOCENT".

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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 1625

5. THE PROSECUTION POINTED OUT THAT KTIMATIAS HAD NO PRIOR CRIMINAL RECORD AT THE TIME OF THE AUGUST 19, 1974 RIOTS. (HIS CURRENT IMPRISONMENT ON THE ARMS CACHE CONVICTION WAS SUBSEQUENT TO THE DAVIES KILLING.) LEFTIS, HOWEVER, HAD A CRIMINAL RECORD AS FOLLOWS: 1945, TRESPASSING, 15 DAYS; 1950; ASSAULT, 2.5-POUND FINE; 1950, PRISON ESCAPE, 30 DAYS; 1951, ASSAULT, 5,000-POUND FINE; 1964, ILLEGAL OCCUPANCY OF GOVERNMENT LAND, 10-POUND FINE; AND 1973, POSSESSION OF FIREARMS, 700 POUND FINE (NOT PAID). END OF HIGHLIGHTS.

6. EARLIER IN THE DAY PHERSON PAID A FAREWELL COURTESY VISIT ON CYPOL CHIEF OF POLICE SAVVAS ANTONIOU. DURING THE CONVERSATION ANTONIOU SAID THAT IN 1969-70 LEFTIS HAD ENGINEERED AN ASSASSINATION ATTEMPT AGAINST HIM (ANTONIOU) AT THE DIRECTION OF THE MINISTER OF INTERIOR, POLYCARPOS GEORGATZIS. ONE OF THE KILLERS ENGAGED BY LEFTIS WAS KTIMATIAS. CYPOL LEARNED OF THE PLOT AND OBTAINED WRITTEN STATEMENTS FROM SEVERAL POLICE CONSTABLES (NOT INCLUDING KTIMATIAS) WHO HAD BEEN APPROACHED BY LEFTIS TO DO THE ACTUAL KILLING. WHEN
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ASKED FOR THE MOTIVIATION OF GEORGATZIS, ANTONIOU
RESPONDED THAT HIS ASSASSINATION WOULD HAVE PAVED THE
WAY FOR MICHAEL PANTELIDES TO SUCCEED HIM AS POLICE CHIEF.

7. ON THE MORNING OF JUNE 21 THE THREE JUDGES OF THE
NICOSIA ASSIZES COURT RECONVENED AND PASSED SENTENCES OF
SEVEN YEARS ON KTIMATIAS AND FIVE ON LEFTIS. (NOTE: TIME
ALREADY SERVED COUNTS AGAINST THESE SENTENCES; ALSO,
PRISONERS MAY BE GIVEN THREE MONTHS FOR EACH YEAR OFF
THEIR SENTENCES FOR GOOD BEHAVIOR.
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